

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DONALD M. SMITH,

Plaintiff,

vs.

CASE NO. 06-12402
HON. LAWRENCE P. ZATKOFF
MAGISTRATE JUDGE MONA K. MAJZOUN

KELVIN SIMOWSIK, et al.,

Defendants.

**OPINION AND ORDER ADOPTING
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff filed a complaint pursuant to 42 U.S.C. §1983 alleging various deprivations of his right to due process. Defendants subsequently filed a motion to dismiss based on the statute of limitations. This matter is currently before the Court on Magistrate Judge Majzoub's Report and Recommendation of March 23, 2007, in which the Magistrate Judge recommends that the Motion to Dismiss should be granted and that Plaintiff's claims against the remaining defendants should be dismissed. No objections have been filed, but Plaintiff has filed a Motion to Amend his complaint.

The Court has undertaken a thorough review of the court file, the Report and Recommendation, and the Plaintiff's Motion to Amend. As a result of that review, the this Court ADOPTS the Report and Recommendation and enters it as the findings and conclusions of this Court.

Therefore, IT IS HEREBY ORDERED that Defendants' Motion to Dismiss is GRANTED and Plaintiff's Motion to Amend is DENIED.

IT IS FURTHER ORDERED that Plaintiff's complaint is DISMISSED with prejudice.

IT IS SO ORDERED.

s/Lawrence P. Zatkoff
LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

Dated: April 16, 2007

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on April 16, 2007.

s/Marie E. Verlinde
Case Manager
(810) 984-3290